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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,348	12/06/2000	Girja Narlikar	3-1	3767

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EXAMINER

CHOUDHARY, ANITA

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 05/14/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,348

Applicant(s)

NARLIKAR ET AL.

Examiner

Anita Choudhary

Art Unit

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on February 25, 2004 has been entered. Claims 1, 6, 7, 12, 13, 17, 21, and 22 have been amended and are presented for further examination.

Claims 1-22 are presented.

Response to Arguments

Applicant's arguments with respect to claim 1, 7, 13, 17, 21 and 22 have been considered but are moot in view of the new ground(s) of rejection.

However in considering the Gampper et al (US 6,442,601) reference, Applicant argues that Gampper does not address redirecting web requests to proxy server. In response to applicant's arguments against the reference individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). A new reference ~~has~~, Pristriotto, is shown for demonstrating the redirection of web resource requests, the rejection is based on combination and motivation of teachings shown below in rejection of claims 2 and 14.

In response to applicant's argument that the reference shown by Smith (6,341,311) fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., assigning proxy servers proportionally *after* receiving the web resource request) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

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specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 13 and 21 are rejected under 35 U.S.C. 102(a) as being anticipated by Pistriotto et al. (US 6,138,162).

Pistriotto shows a method for configuring a client to redirect requests to a caching proxy server based on a category ID with the request. A destination computer receives a HTTP proxy GET request from client, which initiates a redirection of client to a caching server according to category ID of a client request (see abstract). Pistriotto shows:

Receiving a request for web resource (col. 8 lines 15-22, Note the GET request.)

Determining if said web resource is a predefined file type (col. 7 lines 7-14, Note that the GET request's category ID identifies the file type.)

Redirecting said web resource request (GET) to a proxy server (agent) associated with file type (col. 7 lines 11-14, col. 7 line 64-col. 8 line 7, fig. 5B).

In referring to claim 3, Pistriotto shows redirecting step further comprises the step of accessing a proxy selection table that associates said file type to a proxy server (col. 7 lines 4-6, and fig. 3A, 3B, Note that the destination computer initiates the redirection of client GET

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requests according category ID's to specific caching proxy agents as seen in the table of figures 3A-3B).

Claims 7-11, 17-20 and 22, are rejected under 35 U.S.C. 102(a) as being anticipated by Gupta (US 6,212,565).

In referring to claim 1, 8, 17, 18, and 22 Gupta shows:

- Receiving a request for web resource (fig. 6, col. 7 lines 57-67)
- Determining if said web resource request is served by a domain having a traffic volume that exceeds a predefined threshold (wherein proxy tables map client request for a certain domain to the proxy server which already has an established persistent connection to that domain, i.e. already has a traffic volume of at least one, see col. 6 lines 53-60, col. 8 lines 2-34, col. 9 lines 21-38).
- Redirecting said web resource request to a proxy server associated with said domain (col. 9 lines 21-26).

In referring to claim 9 and 19, Gupta shows the step of accessing a proxy selection table that associated file type (domain type) to the proxy server (col. 8 lines 29-39).

In referring to claim 10, 11, and 20 Gupta shows the step of redirecting request to a given proxy based on recent history of the request patterns (col. 6 lines 26-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 5, and 14-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Pistriotto in view of Gampper et al. (6,442,601).

In referring to claims 2 and 14, although Pistriotto shows substantial features of the claimed invention including redirection methods, Pistriotto does not show file type having an average size that exceeds a threshold. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Pistriotto as evidenced by Gampper.

In an analogous art Gampper shows a proxy cache system for saving files of a predetermined minimum size and greater into secondary storage in the cache (col. 6 lines 31-59).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Pistriotto by employing the feature shown by Gampper in order to save larger files to reduce bandwidth of retrieving files from the network (col. 6 lines 60-col. 7 line 9).

In referring to claim 4, 5, and 16, Gampper shows a proxy server based on the recent history of client request patterns and analyzing the recent history of client request patterns (col. 3 lines 24-29).

Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pistriotto in view of Smith (6,341,311).

Although Pistriotto shows substantial features of independent claim 1 Pistriotto does not show assigning or sorting heavy domains into $P \times (1/h)$. The claim essentially shows a formula

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for increasing the distribution to the number of proxy caches as the number of heavy requests goes up. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Smith.

In an analogous art Smith shows the access requests in a distributed cache. Smith shows the addition of new proxy server in to the network (fig. 11, col. 18 lines 49-53).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Pistriotto in order to lower demand on proxy servers by balancing load to new participating proxy servers (see Smith col. 18 lines 54- col. 19 lines 14).

Claims 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Smith (6,341,311).

Although Gupta shows substantial features of independent claim 7, Gupta does not show assigning or sorting heavy domains into $P \times (1/h)$. The claim essentially shows a formula for increasing the distribution to the number of proxy caches as the number of heavy requests goes up. Nonetheless this feature is well known in the art, and would have been an obvious modification to the system disclosed by Smith.

In an analogous art Smith shows the access requests in a distributed cache. Smith shows the addition of new proxy server in to the network (fig. 11, col. 18 lines 49-53).

Given this feature, a person of ordinary skill in the art would have readily recognized the desirability and advantages of modifying the system shown by Gupta in order to lower demand on proxy servers by balancing load to new participating proxy servers (see Smith col. 18 lines 54- col. 19 lines 14).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita Choudhary whose telephone number is (703) 305-5268.

The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AC
May 11, 2004


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